

IN RE: PETITION FOR ZONING VARIANCE  
N/S Stonewall Road, 244' SE of  
the C/I of Old Frederick Road  
(2122 Stonewall Road)  
1st Election District  
1st Councilmanic District  
Basso & Basso Masonry Contractors  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and more particularly, from Section V.B.5.b of the Comprehensive Manual of Development Policies, to permit a window to tract boundary setback of 5 feet in lieu of the minimum required 35 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

Fiorindo G. Basso appeared and testified on behalf of the Petitioners. Louis J. Weinkam, Sr., Esquire, appeared as attorney for Petitioners. There were no Protestants.

Testimony indicated that the subject property, known as 2122 Stonewall Road, consists of 1.467 acres zoned D.R. 2 and is improved with a single family dwelling as depicted on Petitioner's Exhibit 1. Said property is also known as Lot 6 of Stonewall Park Extended, a six-lot subdivision proposed for development with single family homes. Petitioners were issued a valid building permit, identified herein as Petitioner's Exhibit 3, on May 21, 1990. Pursuant to said building permit, Petitioners commenced construction of the subject dwelling, which was completed in November 1990 and were subsequently issued a use and occupancy permit on December 17, 1990, said use and occupancy permit being accepted into evidence as Petitioner's Exhibit 2. Thereafter, Petitioners were advised

that a variance was necessary for a window located on the westernmost side of the subject dwelling.

Testimony indicated that there exists a two-car garage attached to the subject dwelling. Petitioner's Exhibit 1 shows a distance of 5.5 feet from the entrance to the two-car garage to the first of three 12-foot panhandle strips which are to service Lots 1, 2 and 3 located to the rear of the subject site. There was some discussion as to the eventual purchaser of the subject dwelling having a sufficient amount of space outside of the garage on which to park a vehicle. This is apparent by looking at Petitioner's Exhibit 1 which shows a distance of 5.5 feet to the first panhandle strip. Clearly, there is not enough space in front of the garage for any future owner of the subject property to park a vehicle.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R.

- 2 -

and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of July, 1991 that the Petition for Zoning Variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and more particularly, from Section V.B.5.b of the Comprehensive Manual of Development Policies, to permit a window to tract boundary setback of 5 feet in lieu of the minimum required 35 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioners would be required to file a new Petition.
- 2) Within sixty (60) days of the date of this Order and/or prior to the issuance of any building permits for Lots 1, 2, and 3 of Stonewall Park Extended, Petitioners must record in the Land Records of Baltimore County an easement which will allow the owner of the subject property known as 2122 Stonewall Road, a sufficient amount of space on which to park a vehicle in front of the two-car garage. Said easement shall be granted over the first 12-foot panhandle strip that is located on the subject property and shall be the entire width of the garage. Further, said easement shall be made to run with the land so that any future purchaser of the subject single family dwelling will always have the ability to park vehicles outside of their garage.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case

- 3 -

and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 7/14/91  
By [Signature]

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-430-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 504 of the Baltimore County Zoning Regulations, to permit a window to tract boundary setback of 5 feet in lieu of the minimum required 35 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

*Have Complied In Nov. 1990  
To Be Discussed At Hearing*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney for Petitioner:  
(Type or Print Name) LOUIS J. WEINKAM, SR.  
Signature [Signature]  
Address 1402 FREDERICK RD. #203  
City and State BALTIMORE MD 21214  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
Name E. G. Basso  
Address 244 SE of Old Frederick Rd.  
City and State BALTIMORE MD 21214  
Attorney's Telephone No. 274-3742

ORDERED By The Zoning Commissioner of Baltimore County, this 15 day of May, 1991.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 3 day of July, 1991, at 9 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.  
APPLICABLE FOR HEARING  
NON-RESIDENTS - 1/2HR. - 1HR.  
ALL - 1/2HR. - 1HR.  
REVIEWED BY: CAM DATE: 7/14/91 (over)

*J. Robert Hines*  
Zoning Commissioner of Baltimore County

#### ZONING DESCRIPTION STONEWALL PARKS EXTENDED 2122 LOT 6 2122 STONEWALL ROAD

91-430-A

Beginning for the same at an iron pin now set on the north side of Stonewall Road (45' wide) at a distance of 244.16' measured along the north side of Stonewall Road from the centerline of Old Frederick Road, said point also being the Southeastern most corner of Lot 3 as shown on the plat entitled "Revision of Plat of Lot 2 Stonewall Park". Said plat being recorded among the land records of Baltimore County in Plat Book WJR 27 Folio 35, thence running the four following courses and distances:

- (1) N. 41 degree 51' W. 195.00 to a pipe on the outline of Lot 2 of "Stonewall Park" recorded among the Land Records of Baltimore County in Plat Book GLB #21 Folio #43, and thence running with said outline;
- (2) S. 49 degree 38' E. 66.56 to an iron pin now set, and thence leaving said outline for a new line of division.
- (3) S. 45 degree 51' W. 195.00 to an iron pin now set on the north side of Stonewall Road, and thence running with the north side of Stonewall Road.
- (4) N. 49 degree 38' E. 66.56 to the Place of Beginning.

Containing 12,979.2 square feet of land more or less.

Being the same parcel of land shown as Lot 6 on the C.R.G. Plan 1-374 "Stonewall Park Extended".

Also being known as 2122 Stonewall Road located in the 1st district of Baltimore County, Maryland.

CASE NUMBER

91-430-A



CASE NUMBER

91-430-A



PETITIONER'S EXHIBIT #

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CASE NUMBER 91-430-A

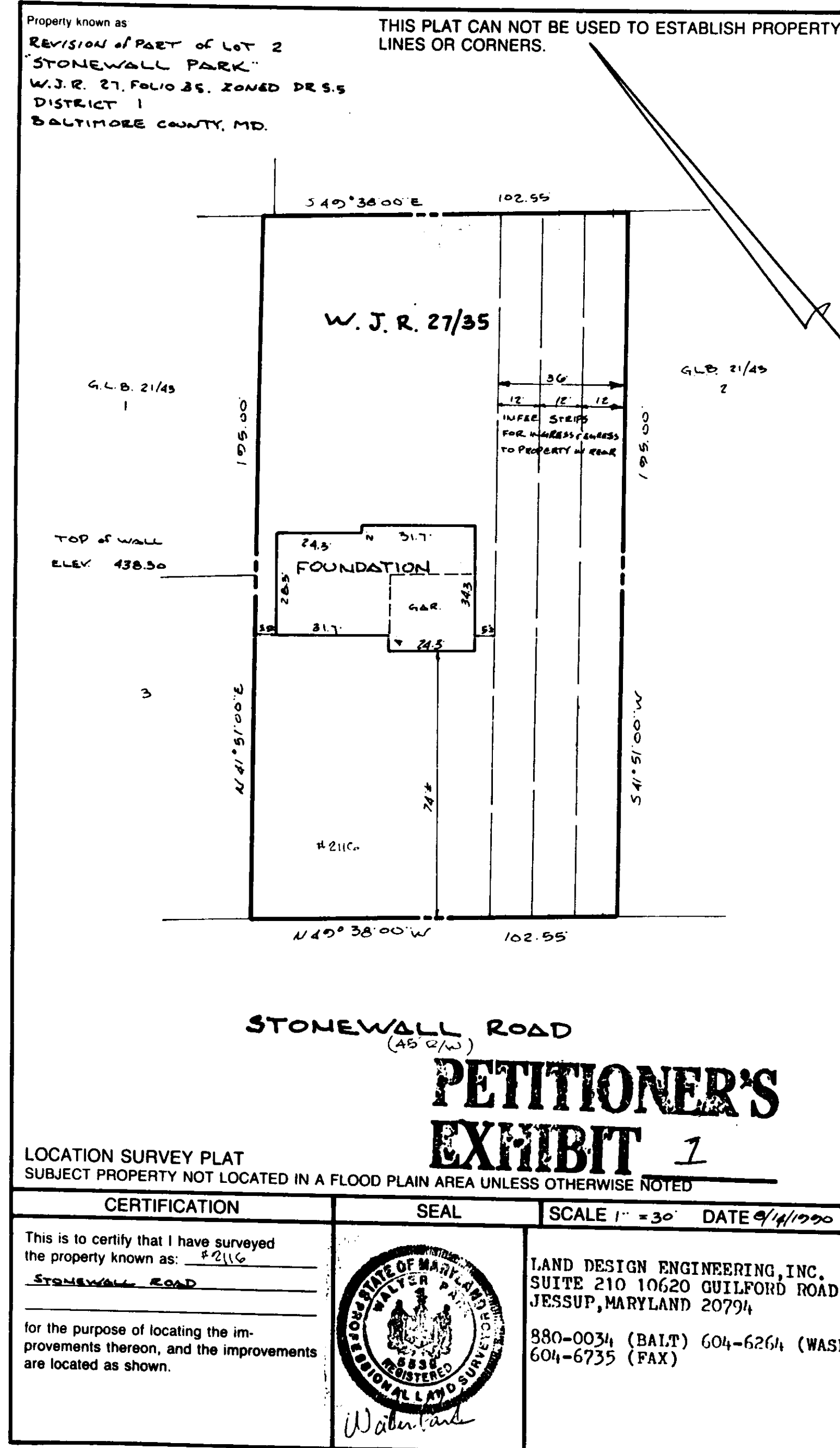


PETITIONER'S EXHIBIT #

CASE NUMBER 91-430-A



PETITIONER'S EXHIBIT #



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND LICENSES  
TOWSON, MARYLAND 21204

PERMISSION IS HEREBY GRANTED TO:  
NAME: BASSO & BASSO, INC.  
ADDRESS: 206 PARADISE AVE BALTO, MD 21203

TO USE AND OCCUPY THE LAND AND/OR BUILDINGS DESCRIBED AND LOCATED AS FOLLOWS ON PERMIT NO. B055036

LOCATION OF PROPERTY: 2122 STONEWALL RD  
DIST: 01 LOT NO: BLOCK NO. 000  
SUBDIVISION: STONEWALL PARK

DATE: 12/17/90  
FEE PAID: \$42.00

ISSUED BY: THE BUILDINGS ENGINEER  
*[Signature]*

PETITIONER'S EXHIBIT 2

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND LICENSES  
TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT #: B055036 CONTROL #: NR DIST: 01 PREC: 09  
DATE ISSUED: 05/21/90 TAX ACCOUNT #: 0119510930 CLASS: 04

PLANS: CONST 02 PLOT & R PLAT DATA  
LOCATION: 2122 STONEWALL RD  
SUBDIVISION: STONEWALL PARK

OWNERS INFORMATION  
NAME: BASSO & BASSO, INC.  
ADDR: 206 PARADISE AVE BALTO, MD 21203

TENANT:  
CONTR: BASSO & BASSO INC.  
ENGR: RICHARD NIBALI 2319 OLD FREDERICK RD 21228  
SELL: CONST. 2 STY. SINGLE FAMILY DWELLING WITH:  
WORK: ATTACHED 2 CAR GARAGE. OUTSIDE PROJECTION OF CHIMNEY NOT TO EXCEED 4X10. 36"X34"X32=3884"  
4BR  
CHANGE OF ADDRESS PER SHARON LUTZ-11/01/90

BLDG. CODE: BOCA CODE OWNERSHIP: PRIVATELY OWNED  
RESIDENTIAL CATEGORY: DETACHED

ESTIMATED \$ PROPOSED USE: SFD  
135,000.00 EXISTING USE: VACANT LOT

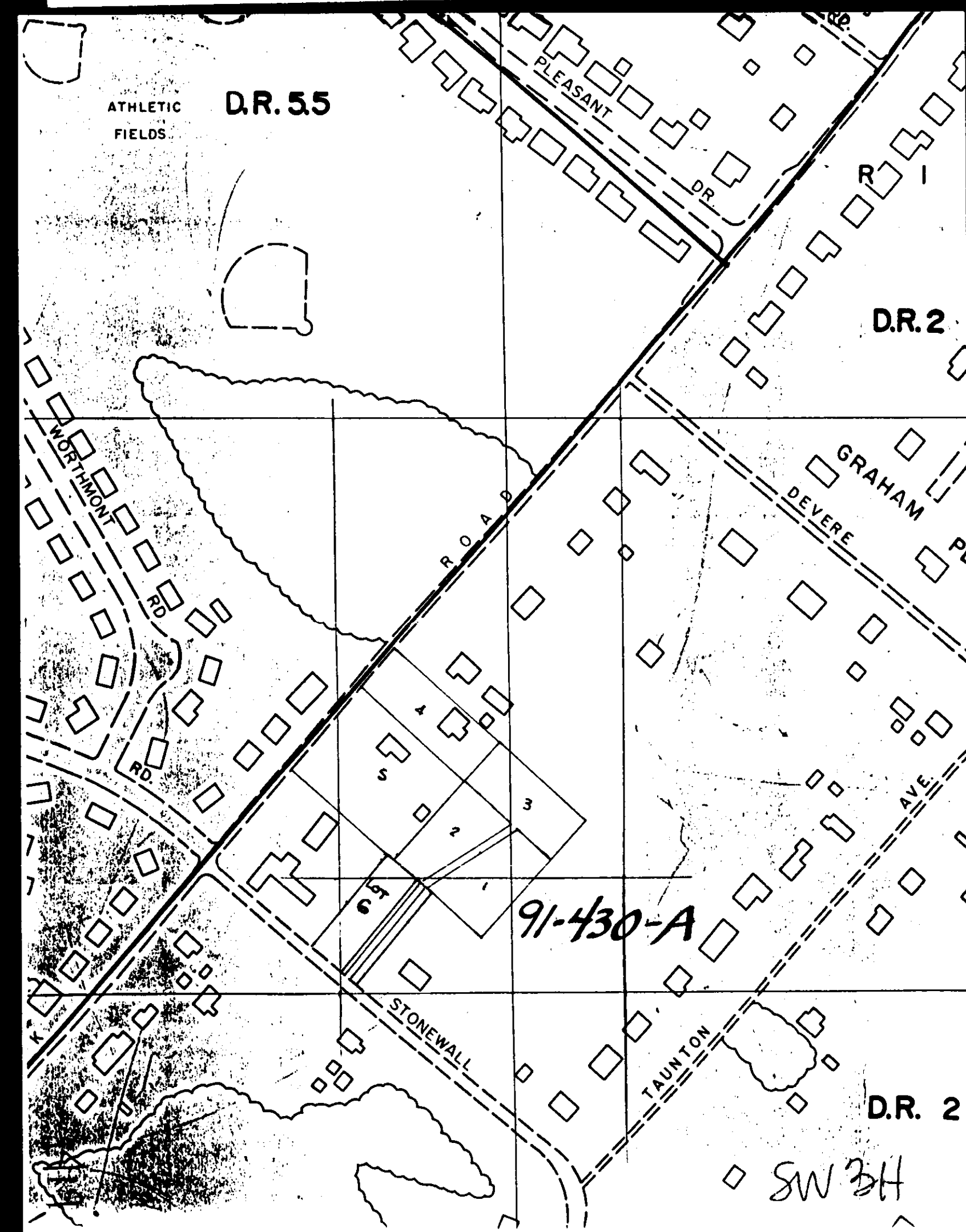
TYPE OF IMPRV: NEW BUILDING CONSTRUCTION  
USE: ONE FAMILY  
FOUNDATION: BLOCK BASEMENT: FULL  
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS  
SIZE: 102/102X195/195  
FRONT STREET:  
SIDE STREET:  
FRONT SETB: 74  
SIDE SETB: 7/7  
SIDE STR SETB:  
REAR SETB: 86

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

PETITIONER'S EXHIBIT 3

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-0014150  
Number:

Date: 5/02/91 H7100417

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: BASSO & BASSO

Please Make Checks Payable To: Baltimore County 0021022PH05-02-91 \$35.00



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 16, 1991

Louis J. Weinkam, Sr., Esquire  
1002 Frederick Road  
Catonsville, Maryland 21228

RE: PETITION FOR ZONING VARIANCE  
N/S Stonewall Road, 244' SE of the c/l of Old Frederick Road  
(2122 Stonewall Road)  
1st Election District - 1st Councilmanic District  
Basso & Basso Masonry Contractors, Inc. - Petitioners  
Case No. 91-430-A

Dear Mr. Weinkam:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy A. Kutroco*  
TIMOTHY A. KUTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Baltimore County Government  
Fire Department  
100 East Jones Road, Suite 901  
Towson, MD 21204

AUGUST 6, 1991

887-3353

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: BASSO AND BASSO MASONRY CONTR.

Location: #2122 STONEWALL ROAD

Item No.: 417 Zoning Agenda: MAY 14, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Pat J. Kelly* 8-7-91 - Approved  
Fire Prevention Bureau  
Special Inspection Division

JR/FFK

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

June 18, 1991

887-3353

Louis J. Weinkam, Esquire  
604 Frederick Road  
Baltimore, MD 21228

RE: Item No. 417, Case No. 91-430-A  
Petitioner: Basso & Basso, et ux  
Petition for Zoning Variance

Dear Mr. Weinkam:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. F. G. Basso  
206 Paradise Avenue  
Baltimore, MD 21228

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
15th day of May, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Basso & Basso, et al

Petitioner's Attorney: Louis J. Weinkam, Sr.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: June 3, 1991

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Leroy L. Ennis, Item No. 388  
Hazel M. Houser, Item No. 369  
Basso & Basso, Item No. 417  
Charles A. Greaves, Item No. 421

In reference to the petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

EK/JL/cmm

ITEMMULT.I/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting  
for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 416, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 419, the previous County Review Group Meeting comments are still applicable.

For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

For Item 421, this site must be submitted through the minor subdivision process for review and comments.

*Dennis A. Kennedy*  
Dennis A. Kennedy, P.E., Acting Chief,  
Developers Engineering Division

DAK:e

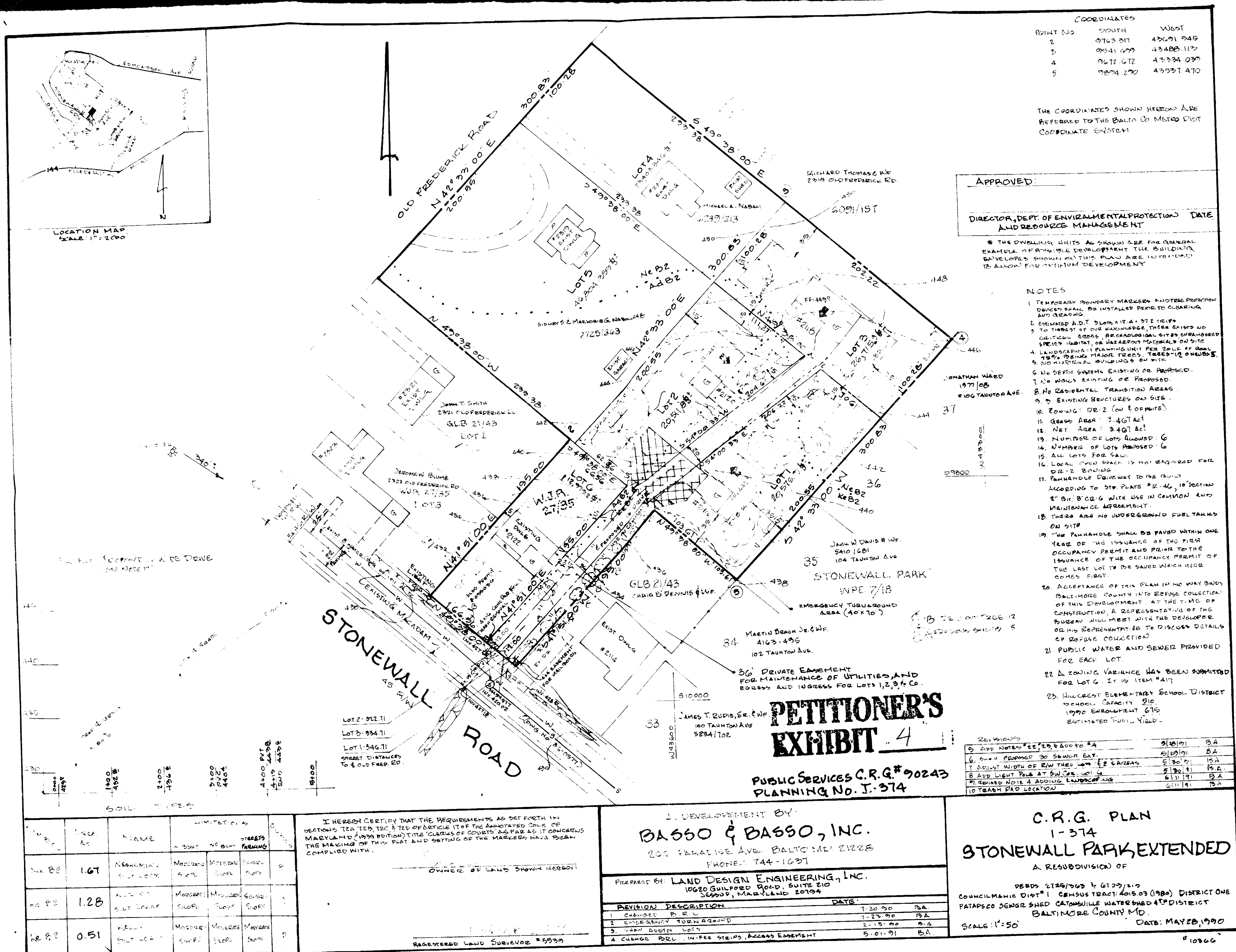
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Florinda G. Basso</i>	<i>206 Paradise Ave. Baltimore, MD 21228</i>

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: *11* Date of Posting: *6/1/91*  
Posted for: *15*  
Petitioner: *Florinda G. Basso*  
Location of property: *206 Paradise Ave. Baltimore, MD 21228*  
Location of Sign: *206 Paradise Ave. Baltimore, MD 21228*  
Remarks:   
Posted by:  Signature:  Date of return:   
Number of Signs:



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 6/1/91

Basso & Basso Masonry Contractors, Inc.  
1012 Frederick Road  
Catonsville, Maryland 21228

RE:  
Case Number: 91-430-A  
N/S Stockwell Road, 244' (+/-) SE of c/1 Old Frederick Road  
2122 Stonewall Road  
1st Election District - 1st Councilmanic  
Petitioner(s): Basso & Basso Masonry Contractors, Inc.  
HEARING: WEDNESDAY, JULY 3, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$81.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Louis J. Weinkam, Sr.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 23, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-430-A  
N/S Stockwell Road, 244' (+/-) SE of c/1 Old Frederick Road  
2122 Stonewall Road  
1st Election District - 1st Councilmanic  
Petitioner(s): Basso & Basso Masonry Contractors, Inc.  
HEARING: WEDNESDAY, JULY 3, 1991 at 9:00 a.m.

Variance to allow a window to tract boundary setback of 5 ft. in lieu of the required 35 ft.

# **CERTIFICATE OF PUBLICATION**

TOWSON, MD., May 31, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 30, 1991.

THE JEFFERSONIAN.

*S. Zeke Olson*  
S. Zeke Olson  
Publisher

## **NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-430-A  
N/S Stockwell Road, 244' (+/-) SE of c/1 Old Frederick Road  
2122 Stonewall Road  
1st Election District - 1st Councilmanic  
Petitioner(s): Basso & Basso Masonry Contractors, Inc.  
HEARING: WEDNESDAY, JULY 3, 1991 at 9:00 a.m.

Variance to allow a window to tract boundary setback of 5 ft. in lieu of the required 35 ft.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
NJ5538 May 30

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account # 001 6150  
Number

receipt

91-430

Please Make Checks Payable To: Baltimore County

Cashier Validation

338 - \$56.70